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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,588	11/21/2000	Steven J. Kruij	777.339US1	8806

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

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DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,588

Applicant(s)

KRUY ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 and 16-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 and 16-35 are pending in the present application. Claims 14 and 15 were cancelled. Claims 2, 16, 18, 20 and 32 have been amended; and new claims 33-35 have been added.

Drawings

2. The drawings were received on April 5, 2004. These drawings are acceptable.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the query-definition fields [see claim 21], first input region and second input region [claim 1] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed December 19, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: page 3, last full paragraph (i.e. page 3 line 19) through page 6 line 5.

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Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 17, 20 and 25-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding, the limitation “**first input region**” and “**second input region**” [see claim 1, 7]. The disclosure does not describe a first input region or a second input region. It does discuss input fields; but there is not a distinction between the fields, note page 10 lines 22-25 and page 11 lines 4-6. Note a region 404, 404a, 404b and 404c are taught; but it is not depicted in the drawings see page 11 lines 4-6. Also, the following limitation is not described in the disclosure: “**configuring** at least a portion of the second input region of the user interface based on one or more of the received query properties” [note claim 1]. The disclosure does not appear to describe how the system configures the interface including with respect to regions note page 8 lines 7-12 [see claims 1, 7, 10, 20 and 25]. Regarding claim 17, “first part of a graphical user interface” and “second part of a graphical user interface”, the drawings nor the disclosure discuss

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a first or second part of a graphical user interface. Also, regarding claims 31 and 32 the disclosure and drawings do not appear to teach a “table-style interface window” and “a table within a first window”. Regarding claim 33 the limitation “constant input field” and “adaptive input field” does not appear to be described. Applicant is reminded that consistency in term use is important to proper understanding and clarity of the invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 18, 34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18, the following limitation is vague: “A method comprising obtaining information regarding query definition forms for one or more search providers; defining a graphical user interface based on the obtained information regarding query definition forms for at least the one search provider”. The claim does not have a clear distinction between the preamble and the body of the claim.

Regarding claims 34 and 35, the following limitation is vague: “adapting at least a portion of the user interface” [note claim 34]; and “adapted to the query definition” [note claim 35 line 5].

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 13 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferrara *The Kim Query System An iconic Interface for the Unified Access to Distributed Multimedia Databases*. (Note: Ferrara reference cited on form PTO 1449)

Regarding claim 13, Yeager et al. teaches a method of operating a system including two or more search providers and a user interface [abstract], the method comprising:

receiving information regarding one or more query properties from one or more of the search providers [figure 1]; and

communicating a query based on one or more of the received query properties to one or more of the search providers [note: figures 1-3, see pages 30-31 and 35].

10. Regarding claims 18-19:

obtaining information regarding query definition forms ... [note page 35, also note figures 1-3].

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 16 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager et al. US Patent 5,950,190 in view of Ferrara *The Kim Query System An iconic Interface for the Unified Access to Distributed Multimedia Databases*.

Regarding claim 16, Yeager et al. teaches "a method of operating a system including a user interface", the method comprising:

"passing a parse tree representation of a query ...and transforming the parse tree representtion of the query" [note Yeager et al. abstract, col. 3 lines 25-35, col. 6 lines 30-35, col. 9 lines 35-50 and 54-65, col. 9 line 35 through col. 10 line 10, col. 11 lines 10-33, and col. 19 lines 28-34]. Although Yeager teaches the invention as cited

above, they do not specifically depict two or more search providers. Ferrara shows this feature [note: abstract, figures 1-3 and pages 30-33]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because Ferrara shows how the compatible dynamic interface of Yeager et al. would be able to distribute the data to more than one provider.

13. The limitations of claims 20-24 have been addressed above except for the following: query-definition fields [note: Ferrara page 35-36; also Yeager et al. teaches a design choice is available for search fields see col. 10 lines 11-58].

Response to Arguments

14. Applicant's arguments filed December 19, 2003 and April 5, 2004 have been fully considered but they are not persuasive.

In the response Applicant argued support for the limitation "a first input region" and "a second input region" can be found on page 13 lines 14-16. The examiner notes that page 13 lines 14-16 makes reference to "first and second regions with the first region having a set of input fields" this is not the same. Applicant argues that literal agreement between language used in the claims and language appearing in the specification is not required. In response Applicant is reminded that the provisions of 35 USC 112 first paragraph and second paragraph require the specification to be clear, concise and use exact terms.

Applicant argues that Ferrara does not teach obtaining information regarding query definition forms or the reception of information from one or more search providers. Applicant also argues that neither Ferrara nor Yeager teach obtaining query properties of the search providers. In response to Applicant's argument the Examiner respectfully disagrees. Ferrara teaches obtaining information regarding query definition forms or the reception of information through simple user-defined queries which may be predefined to request a document note page 35. Ferrara allows the user to define the query see page 36.

Applicant's substitute specification adding descriptive material at page page 3, last full paragraph (i.e. page 3 line 19) through page 6 line 5 adds new matter.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
June 16, 2004